

Senate Daily Reader

Tuesday, February 14, 2012

[illegible]

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0270

HOUSE TAXATION ENGROSSED NO. **HB 1029** - 1/31/2012

Introduced by: The Committee on Taxation at the request of the Department of Revenue

1 FOR AN ACT ENTITLED, An Act to authorize the publication of the names of certain
2 delinquent taxpayers.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 10-59 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The secretary of revenue may prepare a list of at least one hundred delinquent persons who
7 owe the largest amount of tax for chapters 10-45, 10-45D, 10-46, 10-46E, 10-46A, 10-46B,
8 10-52, 10-52A, 10-58, and 10-33A and § 32-5B-20, and that are delinquent in the payment of
9 tax for chapters 10-45, 10-45D, 10-46, 10-46E, 10-46A, 10-46B, 10-52, 10-52A, 10-58, and
10 10-33A and § 32-5B-20 to the department, if a lien has been filed against the person. The list
11 shall include at least the top one hundred persons with total delinquent final liabilities for tax
12 in chapters 10-45, 10-45D, 10-46, 10-46E, 10-46A, 10-46B, 10-52, 10-52A, 10-58, and 10-33A
13 and § 32-5B-20, including penalties and interest. The list shall contain the person's name; the
14 business name, if any; address; and the amount of total tax, penalties and interest outstanding
15 of each delinquent person.



Section 2. That chapter 10-59 be amended by adding thereto a NEW SECTION to read as follows:

At least ninety days before the disclosure of the name of a delinquent person prescribed in section 1 of this Act, the secretary of revenue shall mail a written notice to the delinquent person at that person's last known address informing the person that the failure to resolve the tax delinquency could result in the person's name being included in a list of delinquent persons that is published on the internet on a web site maintained by the department pursuant to this Act. If the delinquent tax has not been paid within ninety days after the notice was mailed, and the person has not, since the mailing of the notice, either paid the delinquent tax or entered into a written agreement with the department for payment of the delinquency or corrected a default in an existing agreement to the satisfaction of the secretary, the secretary may disclose the tax delinquency in the list of delinquent persons.

Section 3. That chapter 10-59 be amended by adding thereto a NEW SECTION to read as follows:

No unpaid taxes are subject to disclosure described in section 1 of this Act if:

- (1) A written agreement for payment exists without default between the person and the department; or
- (2) The tax liability is the subject of an administrative hearing, administrative review, judicial review, or an appeal of any such proceedings.

Section 4. That chapter 10-59 be amended by adding thereto a NEW SECTION to read as follows:

The list described in section 1 of this Act shall be available for public inspection at the Department of Revenue and shall be published on the internet on a web site maintained by the department.

1 Section 5. That chapter 10-59 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 The name of a person on the list described in section 1 of this Act shall be removed within
4 ten days after the delinquent debt payment has been processed by the department.

5 Section 6. That chapter 10-59 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Any disclosure made by the secretary of revenue in a good faith effort to comply with this
8 Act is not a violation of any statute prohibiting disclosure of taxpayer information.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0407

HOUSE APPROPRIATIONS ENGROSSED NO. **HB 1041** - 1/26/2012

Introduced by: The Committee on Appropriations at the request of the Bureau of Finance and Management

1 FOR AN ACT ENTITLED, An Act to authorize a carryover of the fiscal year 2012 state aid to
2 special education appropriation to fiscal year 2013 for the purpose of maintaining federal
3 maintenance of effort levels.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. Notwithstanding the provisions of §§ 4-8-19, 13-37-40, and 13-37-45, any
6 unencumbered funds appropriated from the state general fund by subdivision (3) of section 12
7 of chapter 23 of the 2011 Session Laws for state aid to special education, equal to an amount
8 necessary to meet the federal maintenance of effort requirement, shall be carried forward to
9 fiscal year 2013.

10 Section 2. This Act is effective June 20, 2012.



State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

672T0481

HOUSE HEALTH AND HUMAN SERVICES ENGROSSED NO. **HB 1183** - 1/31/2012

Introduced by: Representatives Kirkeby, Dennert, Haggar, Hickey, Jensen, Lucas, Magstadt, Munsterman, Novstrup (David), and Sly and Senators Hansen (Tom), Bradford, Hunhoff (Jean), Kraus, Rampelberg, and Schlekeway

1 FOR AN ACT ENTITLED, An Act to limit copayment or coinsurance amounts for physical and
2 occupational therapy services.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 58-17-54.1 be amended to read as follows:

5 58-17-54.1. No health insurer may impose any copayment or coinsurance amount on an
6 insured for services rendered by a doctor of chiropractic licensed pursuant to chapter 36-5, an
7 occupational therapist licensed pursuant to chapter 36-31, or a physical therapist licensed
8 pursuant to chapter 36-10 that is greater than the copayment or coinsurance amount imposed on
9 the insured for the services of a primary care physician or practitioner for the same or a similar
10 diagnosed condition even if a different nomenclature is used to describe a condition.



State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0158

SENATE JUDICIARY ENGROSSED NO. **SB 10** - 2/13/2012

Introduced by: The Committee on Judiciary at the request of the Department of Game, Fish
and Parks

1 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to boating while
2 under the influence.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 42-8-45 be amended to read as follows:

5 42-8-45. No person may operate a boat as defined in subdivisions 42-8-2(2b), (3), (5a), or
6 (6) while underway on the public waters of the state while:

7 (1) There is 0.08 percent or more by weight of alcohol in that person's blood as shown
8 by chemical analysis of that person's breath, blood, or other bodily substance;

9 (2) Under the influence of an alcoholic beverage, marijuana, or any controlled drug or
10 substance not obtained pursuant to a valid prescription, or any combination of an
11 alcoholic beverage, marijuana, or such controlled drug or substance;

12 (3) Under the influence of ~~marijuana~~ or any controlled drug or substance obtained
13 pursuant to a valid prescription, or any other substance, to a degree which renders the
14 person incapable of safely driving or operating such boat; ~~or~~



(4) Under the combined influence of an alcoholic beverage and ~~marijuana~~ or any controlled drug or substance obtained pursuant to a valid prescription, or any other substance, to a degree which renders the person incapable of safely driving or operating such boat; or

(5) Under the influence of any substance ingested, inhaled, or otherwise taken into the body as prohibited by § 22-42-15.

Any violation of this section is a Class 1 misdemeanor.

Section 2. That § 42-8-45.1 be amended to read as follows:

42-8-45.1. A law enforcement officer may, without a warrant, arrest a person for a violation of the provisions of § 42-8-45 if ~~he~~ the officer has probable cause to believe that the person to be arrested has been involved in an accident on the public waters of the state and has violated the provisions of § 42-8-45 and that the violation occurred prior to or immediately following the accident.

Section 3. That § 42-8-45.3 be amended to read as follows:

42-8-45.3. The fact that any person charged with a violation of § 42-8-45 ~~may use~~ is or has been prescribed a drug under the laws of this state ~~does is not constitute~~ a defense against any charge of violating ~~that section~~ § 42-8-45.

Section 4. That § 42-8-45.4 be amended to read as follows:

42-8-45.4. In any criminal prosecution for a violation of § 42-8-45, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, breath, or other bodily substance gives rise to the following presumptions:

(1) If there was at that time five hundredths percent or less by weight of alcohol in the defendant's blood, ~~it is presumed~~ a presumption arises that the defendant was not under the influence of ~~intoxicating liquor~~ an alcoholic beverage;

(2) If there was at that time in excess of five hundredths percent but less than eight hundredths percent by weight of alcohol in the defendant's blood, such fact does not give rise to any presumption that the defendant was or was not under the influence of ~~intoxicating liquor~~ an alcoholic beverage, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant; and

(3) If there was at that time eight hundredths percent or more by weight of alcohol in the defendant's blood, ~~it is presumed~~ a presumption arises that the defendant was under the influence of ~~intoxicating liquor~~ an alcoholic beverage.

Percent by weight of alcohol in the blood ~~shall be~~ is based upon milligrams of alcohol per 1.0 cubic ~~centimeters~~ centimeter of whole blood or 2100 cubic centimeters of deep lung breath.

Section 5. That § 42-8-45.5 be amended to read as follows:

42-8-45.5. The provisions of § 42-8-45.4 ~~may not be construed as limiting~~ do not limit the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of ~~intoxicating liquor~~ an alcoholic beverage.

Section 6. That § 42-8-45.6 be amended to read as follows:

42-8-45.6. Any person who operates a boat while underway on the public waters of the state in this state is considered to have ~~consented~~ given consent to the withdrawal of blood or other bodily substance and chemical analysis of ~~such~~ the person's blood, breath, or other bodily substance to determine the amount of alcohol in ~~such~~ the person's blood and to determine the presence of marijuana or any controlled drug or substance or any substance ingested, inhaled, or otherwise taken into the body as prohibited by § 22-42-15 or any other substance that may render a person incapable of safely operating a boat. The arresting law enforcement officer may, subsequent to the arrest of any operator for a violation of § 42-8-45, require the operator to submit to the withdrawal of blood or other bodily substances as evidence.

~~—The person, operating a boat underway which has been involved in a collision or an accident resulting in bodily injury or death to any person or property damage to a boat or other property to an apparent extent of one thousand dollars or more to any one person's property or two thousand dollars or more in any one accident, shall submit to the withdrawal of blood or other bodily substance for chemical analysis or chemical analysis of the person's breath. The officer shall advise the person of the right to have an additional chemical analysis performed by a technician of his or her own choosing at his or her own expense.~~

~~—Any other person, operating a boat underway which has not been involved in a collision or an accident resulting in bodily injury or death to any person or property damage to a boat or other property to an apparent extent of one thousand dollars or more to any one person's property or two thousand dollars or more in any one accident, shall be requested by the officer to submit to the withdrawal of blood or other bodily substance for chemical analysis or chemical analysis of his or her breath. The officer shall advise the person that:~~

~~—(1)— If he or she refuses to submit to the withdrawal or chemical analysis, no withdrawal or chemical analysis may be required;~~

~~—(2)— Such refusal is admissible into evidence at trial; and~~

~~—(3)— That he or she has the right to have an additional chemical analysis performed by a technician of his or her own choosing at his or her own expense.~~

~~—If such person refuses to submit to chemical analysis of his or her blood, urine, breath, or other bodily substance, or allow the withdrawal of blood or other bodily substance for chemical analysis as provided in this section, and that person subsequently stands trial for violation of § 42-8-45, such refusal is admissible into evidence at the trial.~~

Section 7. That § 42-8-45.9 be amended to read as follows:

42-8-45.9. ~~The~~ Any person tested pursuant to this chapter ~~shall be permitted to~~ may have

1 a physician, laboratory technician, registered nurse, physician's assistant, or medical technologist
2 of ~~his~~ the person's own choosing administer the chemical analysis in addition to the one
3 administered at the direction of the law enforcement officer.

4 Section 8. That § 42-8-45.10 be amended to read as follows:

5 42-8-45.10. Upon the request of ~~the~~ any person who was tested pursuant to this chapter or
6 upon the request of ~~his~~ the person's attorney, the results of such analysis shall be made available
7 to ~~him~~ the person or to ~~his~~ the person's attorney.

8 Section 9. That § 42-8-45.7 be amended to read as follows:

9 42-8-45.7. Only a physician, laboratory technician, registered nurse, physician's assistant,
10 phlebotomist, expanded role licensed practical nurse, medical technician, or medical
11 technologist may withdraw blood for the purpose of determining the alcoholic content ~~therein~~
12 of the blood. This limitation does not apply to the taking of a breath or other bodily substance
13 specimen. Such authorized persons, acting on the presumption of consent ~~considered to have~~
14 ~~been given by the person when operating a boat while underway in § 42-8-45.6,~~ and any hospital
15 or facility employing such persons, are not liable and may not be held to pay damages to the
16 party from whom the blood sample is withdrawn, if the withdrawal is administered with usual
17 and ordinary care. No person authorized to withdraw blood under this section may be required
18 or forced to withdraw blood for the purposes provided in this chapter, unless required pursuant
19 to a written agreement.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0411

SENATE APPROPRIATIONS ENGROSSED NO. **SB 48** - 2/10/2012

Introduced by: The Committee on Appropriations at the request of the Bureau of Finance and Management

1 FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year
2 2012.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That section 2 of chapter 23 of the 2011 Session Laws be amended to read as
5 follows:

6 DEPARTMENT OF EXECUTIVE MANAGEMENT

7 (3) Governor's Office of Economic Development

8 Operating Expenses, General Funds, delete "\$829,298" and insert "\$5,829,298"

9 Operating Expenses, Other Funds, delete "\$15,968,933" and insert "\$20,968,933"

10 Adjust all totals accordingly.

11 Section 2. That section 2 of chapter 23 of the 2011 Session Laws be amended to read as
12 follows:

13 DEPARTMENT OF EXECUTIVE MANAGEMENT

14 (22) Statewide Maintenance and Repair



1 Operating Expenses, General Funds, delete "\$2,351,009" and insert "\$4,390,285"

2 Adjust all totals accordingly.

3 Section 3. That section 2 of chapter 23 of the 2011 Session Laws be amended to read as
4 follows:

5 DEPARTMENT OF EXECUTIVE MANAGEMENT

6 (28) Telecommunications Services

7 Operating Expenses, Other Funds, delete "\$8,770,952" and insert "\$9,140,952"

8 Adjust all totals accordingly.

9 Section 4. That section 7 of chapter 23 of the 2011 Session Laws be amended to read as
10 follows:

11 DEPARTMENT OF TRIBAL RELATIONS

12 (1) Office of Tribal Relations

13 Operating Expenses, Other Funds, delete "\$0" and insert "\$50,000"

14 Adjust all totals accordingly.

15 Section 5. That section 9 of chapter 23 of the 2011 Session Laws be amended to read as
16 follows:

17 DEPARTMENT OF HEALTH

18 (3) Health and Medical Services

19 Operating Expenses, General Funds, delete "\$2,100,803" and insert "\$2,449,803"

20 FTE, delete "176.5" and insert "178.5"

21 Adjust all totals accordingly.

22 Section 6. That section 10 of chapter 23 of the 2011 Session Laws be amended to read as
23 follows:

24 DEPARTMENT OF LABOR AND REGULATION

1 (1) Administration, Secretary of Labor

2 Operating Expenses, General Funds, delete "\$180,000" and insert "\$430,000"

3 Adjust all totals accordingly.

4 Section 7. That section 10 of chapter 23 of the 2011 Session Laws be amended to read as
5 follows:

6 DEPARTMENT OF LABOR AND REGULATION

7 (16) South Dakota Retirement System

8 Personal Services, Other Funds, delete "\$1,836,902" and insert "\$1,846,700"

9 Operating Expenses, Other Funds, delete "\$1,503,708" and insert "\$1,537,162"

10 Adjust all totals accordingly.

11 Section 8. That section 12 of chapter 23 of the 2011 Session Laws be amended to read as
12 follows:

13 DEPARTMENT OF EDUCATION

14 (11) Education Resources

15 Operating Expenses, General Funds, delete "\$4,778,181" and insert "\$4,815,181"

16 Adjust all totals accordingly.

17 Section 9. That section 13 of chapter 23 of the 2011 Session Laws be amended to read as
18 follows:

19 DEPARTMENT OF PUBLIC SAFETY

20 (4) Inspection and Licensing

21 Operating Expenses, Other Funds, delete "2,865,047" and insert "2,893,047"

22 Adjust all totals accordingly.

23 Section 10. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as
24 follows:

1 BOARD OF REGENTS

2 (1) Regents Central Office

3 Operating Expenses, Other Funds, delete "\$32,265,151" and insert "\$35,890,151"

4 Adjust all totals accordingly.

5 Section 11. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as
6 follows:

7 BOARD OF REGENTS

8 (2) South Dakota Scholarships

9 Operating Expenses, General Funds, delete "\$4,156,341" and insert "\$4,271,499"

10 Adjust all totals accordingly.

11 Section 12. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as
12 follows:

13 BOARD OF REGENTS

14 (4) University of South Dakota Proper

15 Operating Expenses, General Funds, delete "\$178,715" and insert "\$152,086"

16 Adjust all totals accordingly.

17 Section 13. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as
18 follows:

19 BOARD OF REGENTS

20 (6) South Dakota State University Proper

21 Operating Expenses, General Funds, delete "\$306,900" and insert "\$247,525"

22 Adjust all totals accordingly.

23 Section 14. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as
24 follows:

1 BOARD OF REGENTS

2 (9) South Dakota School of Mines and Technology

3 Operating Expenses, General Funds, delete "\$298,066" and insert "\$289,713"

4 Adjust all totals accordingly.

5 Section 15. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as
6 follows:

7 BOARD OF REGENTS

8 (10) Northern State University

9 Operating Expenses, General Funds, delete "\$344,135" and insert "\$338,106"

10 Adjust all totals accordingly.

11 Section 16. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as
12 follows:

13 BOARD OF REGENTS

14 (11) Black Hills State University

15 Operating Expenses, General Funds, delete "\$40,173" and insert "\$30,392"

16 Adjust all totals accordingly.

17 Section 17. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as
18 follows:

19 BOARD OF REGENTS

20 (12) Dakota State University

21 Personal Services, Other Funds, delete "\$9,983,132" and insert "\$10,083,132"

22 Operating Expenses, General Funds, delete "\$64,187" and insert "\$60,192"

23 Operating Expenses, Other Funds, delete "\$8,634,279" and insert "\$9,384,279"

24 Adjust all totals accordingly.

1 Section 18. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as
2 follows:

3 BOARD OF REGENTS

4 (13) South Dakota School for the Deaf

5 Operating Expenses, General Funds, delete "\$1,222,737" and insert "\$1,222,173"

6 Adjust all totals accordingly.

7 Section 19. That section 14 of chapter 23 of the 2011 Session Laws be amended to read as
8 follows:

9 BOARD OF REGENTS

10 (14) South Dakota School for the Blind and Visually Impaired

11 Operating Expenses, General Funds, delete "\$276,322" and insert "\$275,890"

12 Adjust all totals accordingly.

13 Section 20. That section 16 of chapter 23 of the 2011 Session Laws be amended to read as
14 follows:

15 DEPARTMENT OF VETERANS' AFFAIRS

16 (2) State Veterans' Home

17 Personal Services, General Funds, delete "\$1,412,567" and insert "\$1,419,513"

18 Personal Services, Federal Funds, delete "\$0" and insert "\$3,836"

19 Personal Services, Other Funds, delete "\$2,123,359" and insert "\$2,139,532"

20 FTE, delete "82.7" and insert "85.3"

21 Adjust all totals accordingly.

22 Section 21. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as
23 follows:

24 DEPARTMENT OF CORRECTIONS

(1) Administration

Operating Expenses, General Funds, delete "\$16,205,994" and insert "\$15,855,804"

Adjust all totals accordingly.

Section 22. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as follows:

DEPARTMENT OF CORRECTIONS

(2) Mike Durfee State Prison

Operating Expenses, Other Funds, delete "\$241,042" and insert "\$1,066,042"

Adjust all totals accordingly.

Section 23. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as follows:

DEPARTMENT OF CORRECTIONS

(3) State Penitentiary

Personal Services, General Funds, delete "\$12,386,075" and insert "\$12,425,406"

Personal Services, Other Funds, delete "\$99,232" and insert "\$177,894"

Operating Expenses, Other Funds, delete "\$135,962" and insert "\$661,162"

FTE, delete "277.5" and insert "281.5"

Adjust all totals accordingly.

Section 24. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as follows:

DEPARTMENT OF CORRECTIONS

(4) Women's Prison

Operating Expenses, General Funds, delete "\$900,563" and insert "\$877,858"

FTE, delete "50.0" and insert "52.0"

1 Adjust all totals accordingly.

2 Section 25. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as
3 follows:

4 DEPARTMENT OF CORRECTIONS

5 (6) Community Service

6 FTE, delete "75.1" and insert "76.1"

7 Adjust all totals accordingly.

8 Section 26. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as
9 follows:

10 DEPARTMENT OF CORRECTIONS

11 (11) State Treatment and Rehabilitation Academy

12 Operating Expenses, Other Funds, delete "\$128,000" and insert "\$523,000"

13 Adjust all totals accordingly.

14 Section 27. That chapter 23 of the 2011 Session Laws be amended to be adding thereto a
15 NEW SECTION to read as follows:

16 Section 36. The state treasurer shall transfer to the railroad trust fund four million dollars
17 (\$4,000,000), from the state general fund.

18 Section 28. Funds appropriated in subsection (3) of section 8 of chapter 23 of the 2011
19 Session Laws which are unspent at the end of fiscal year 2012 may be carried over to fiscal year
20 2013.

21 Section 29. Funds appropriated by this Act which are unspent at the end of fiscal year 2012
22 may be carried over to fiscal year 2013.

23 Section 30. This Act is effective June 20, 2012.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

903T0634

SENATE EDUCATION ENGROSSED NO. **SB 77** - 2/10/2012

This bill has been extensively amended (houghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senator Olson (Russell) and Representative Fargen

1 FOR AN ACT ENTITLED, An Act to provide for the establishment of a scholarship program
2 for postsecondary technical institute students and to make an appropriation therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The Dakota Tech scholarship program is hereby established within the Governor's
5 Office of Economic Development. Dakota Tech scholarships shall be awarded to encourage
6 students at South Dakota's postsecondary technical institutes who are trained for employment
7 in areas of critical need to remain in South Dakota upon completion of their postsecondary
8 technical education. The Governor's Office of Economic Development shall provide for the
9 awarding of Dakota Tech scholarships in accordance with the provisions of this Act.

10 Section 2. Terms used in this Act mean:

11 (1) "Administrator," the organization selected by GOED as provided in this Act to
12 administer the Dakota Tech scholarship program;

13 (2) "Area of critical need," an occupation within South Dakota for certain types of
14 employers in certain geographical areas as specified by rules promulgated by GOED



1 pursuant to section 14 of this Act;

2 (3) "Dakota Tech scholarship award," an amount awarded to an individual student under
3 the Dakota Tech scholarship program;

4 (4) "GOED," the Governor's Office of Economic Development;

5 (5) "Postsecondary technical institute," a postsecondary institute established pursuant to
6 chapter 13-39.

7 Section 3. The Governor's Office of Economic Development shall select a nonprofit
8 corporation to act as the administrator of the Dakota Tech scholarship program. GOED shall
9 issue a request for proposals to identify and select the appropriate entity to serve as the
10 administrator. The administrator shall, in accordance with the provisions of this Act, provide
11 for the selection of scholarship recipients, the disbursement of scholarship funds, the collection
12 and repayment of funds from recipients who have become ineligible, and other measures
13 necessary for the implementation of this Act.

14 Section 4. To be eligible for a Dakota Tech scholarship a person shall:

15 (1) Have a high school diploma or general equivalency diploma (GED);

16 (2) Agree in writing to stay in South Dakota and work in an area of critical need for a
17 period of four years following graduation from a postsecondary technical institute;
18 and

19 (3) Enroll in or be accepted for enrollment by a postsecondary technical institute for a
20 course of study in an area of critical need leading to a technical degree from the
21 postsecondary technical institute.

22 Section 5. In order to maintain eligibility for a Dakota Tech scholarship a person shall:

23 (1) Maintain a 2.5 grade point average on a 4.0 scale and maintain standing as a full-time
24 or part-time student at a postsecondary technical institute;

- 1 (2) Attend a postsecondary technical institute and earn a technical degree in an area of
2 critical need within four years after the person's first enrollment at the technical
3 institute.

4 Section 6. A Dakota Tech scholarship award shall be in the amount of five thousand dollars
5 per student and is awarded once for the duration of the student's course of study. The
6 administrator may award Dakota Tech scholarships only to the extent that funds are available
7 to provide scholarships. If the amount of money in the Dakota Tech scholarship fund is
8 insufficient to provide a Dakota Tech scholarship to all eligible applicants, the administrator
9 shall consider a person's field of study and financial need in awarding a Dakota Tech
10 scholarship.

11 Section 7. If a person has been awarded a Dakota Tech scholarship, the administrator shall
12 pay the postsecondary technical institute at which the person is enrolled the amount of five
13 thousand dollars, to be deducted from the person 's tuition and fees over the duration of the
14 person's course of study. The amount of the scholarship constitutes a obligation owed by the
15 person to the administrator, which may be discharged as provided in sections 8 to 11, inclusive,
16 of this Act.

17 Section 8. A person who has received a Dakota Tech scholarship is not required to repay any
18 part of the scholarship if within six months of earning an eligible technical degree the person
19 begins employment and is continuously employed in South Dakota for a period of forty-eight
20 consecutive months in an area of critical need. A course of study and corresponding
21 employment or occupation that was deemed an area of critical need at the time of the person's
22 scholarship award remains an area of critical need for the duration of the person's course of
23 study and for the forty-eight month employment period for purposes of determining any
24 repayment obligation that the person may incur.

1 Section 9. If a person who has received a Dakota Tech scholarship does not maintain
2 eligibility as specified in section 5 of this Act, the person shall reimburse the administrator the
3 amount of the scholarship paid on behalf of the person, according to a repayment schedule set
4 by GOED in rules promulgated pursuant to chapter 1-26.

5 Section 10. If a person who has received a Dakota Tech scholarship does not meet the
6 requirement in section 8 of this Act, the person shall reimburse the administrator the amount of
7 the scholarship paid on behalf of the person, according to a repayment schedule set by GOED
8 in rules promulgated pursuant to chapter 1-26. The amount of repayment shall be based on the
9 ratio of forty-eight months minus the number of months a person was continuously employed
10 in an area of critical need to forty-eight months.

11 Section 11. If a person who has received a Dakota Tech scholarship is unable to maintain
12 eligibility or remain employed in an area of critical need for forty-eight consecutive months due
13 to factors outside the control of the person, the administrator may waive or delay the eligibility
14 or repayment provisions of this Act.

15 Section 12. A person who has received a Dakota Tech scholarship shall annually report to
16 the administrator the person's academic and occupational status on forms prescribed by the
17 administrator.

18 Section 13. The Dakota Tech scholarship fund is hereby established as a separate fund in
19 the state treasury to be administered by the Governor's Office of Economic Development.
20 Money in the fund shall be used to implement the Dakota Tech scholarship program established
21 pursuant to this Act. Money may enter the fund through legislative appropriations, fees,
22 contributions, donations, grants, loans, interest received on money in the fund, and any other
23 lawful public or private source. Money in the fund shall be appropriated by the Legislature
24 through the normal budget process. Any expenditure from the fund shall be paid on warrants

1 drawn by the state auditor on vouchers approved by the commissioner of the Governor's Office
2 of Economic Development.

3 Section 14. The Governor's Office of Economic Development shall promulgate rules,
4 pursuant to chapter 1-26, to implement the Dakota Tech scholarship program. The rules shall
5 define occupations and geographical areas as areas of critical need, establish procedures for the
6 awarding and acceptance of scholarships, establish requirements and guidelines to be followed
7 by the administrator in implementing the program, establish criteria for monitoring the academic
8 and occupational status of persons who have received a scholarship, establish financial need
9 criteria, establish repayment schedules, and establish other procedures and requirements
10 necessary for the implementation of the scholarship program.

11 Section 15. There is hereby appropriated from the general fund the sum of one dollar (\$1),
12 or so much thereof as may be necessary, to the Governor's Office of Economic Development
13 to be deposited into the Dakota Tech scholarship fund and made available, beginning on the
14 effective date of this Act, to fund scholarships under the Dakota Tech scholarship program as
15 provided in this Act. This appropriation may be used only for the funding of scholarships under
16 the program. Administrative costs and other costs incurred by the administrator or by GOED
17 in the implementation of the program may be met only through the use of funds from sources
18 other than this appropriation.

19 Section 16. The commissioner of the Governor's Office of Economic Development shall
20 approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by
21 this Act.

22 Section 17. Any amounts appropriated in this Act not lawfully expended or obligated by
23 June 30, 2013, shall revert in accordance with the procedures prescribed in chapter 4-8.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

329T0658

SENATE TRANSPORTATION

ENGROSSED NO. **SB 80** - 2/10/2012

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Brown and Haverly and Representatives Cronin, Gosch, and Hawley

1 FOR AN ACT ENTITLED, An Act to exempt veterans from the twelve-month residency
2 requirement for the purposes of tuition and fees.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 13-53 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any person who is a veteran as defined by §§ 33A-2-1 and 33A-2-2 shall be classified as
7 a resident student without meeting the twelve-month residency requirement within South
8 Dakota pursuant to § 13-53-24.

9 Section 2. That § 13-53-24 be amended to read as follows:

10 13-53-24. A person entering the state from another state or country does not at that time
11 acquire residence for the purpose of §§ 13-53-23 to 13-53-41, inclusive, unless, except as
12 provided in § 13-53-29 or section 1 of this Act, such person is a resident for twelve months in
13 order to qualify as a resident student for tuition and fee purposes.



State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

630T0652

SENATE APPROPRIATIONS ENGROSSED NO. **SB 82** - 2/10/2012

Introduced by: Senators Brown, Haverly, Novstrup (Al), Peters, and Tidemann and
Representatives Cronin, Bolin, Dennert, Dryden, Olson (Betty), and Wink

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the unclaimed
2 property trust fund.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 43-41B-24.1 be amended to read as follows:

5 43-41B-24.1. Money in the unclaimed property trust fund for payment of costs and expenses
6 authorized under § 43-41B-24 is continuously appropriated for those purposes. Any
7 expenditures shall be paid upon warrants drawn by the state auditor pursuant to vouchers
8 authorized by the state treasurer. All funds paid out by the state treasurer under chapter 43-41B
9 shall be set forth in an informational budget as described in § 4-7-7.2 and be annually reviewed
10 by the Legislature. Any expenditure other than unclaimed property claims that exceeds the
11 informational budget shall be approved by the Board of Finance pursuant to chapter 4-1.



State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

983T0526

SENATE EDUCATION ENGROSSED NO. **SB 85** - 2/10/2012

Introduced by: Senators Tidemann, Gray, Haverly, Hunhoff (Jean), Kraus, Krebs, Nelson (Tom), Peters, Rampelberg, Rave, and Tieszen and Representatives Dryden, Abdallah, Brunner, Conzet, Gosch, Hunt, Kirkeby, Lust, Romkema, Solum, Tornow, Turbiville, and White

1 FOR AN ACT ENTITLED, An Act to revise the calculation of the small school adjustment in
2 the state aid to education formula.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-13-10.1 be amended to read as follows:

5 13-13-10.1. Terms used in this chapter mean:

6 (1) "Average daily membership," the average number of resident and nonresident
7 kindergarten through twelfth grade pupils enrolled in all schools operated by the
8 school district during the previous regular school year, minus average number of
9 pupils for whom the district receives tuition, except pupils described in subdivision
10 (1A) and pupils for whom tuition is being paid pursuant to § 13-28-42.1 and plus the
11 average number of pupils for whom the district pays tuition;

12 (1A) Nonresident students who are in the care and custody of the Department of Social
13 Services, the Unified Judicial System, the Department of Corrections, or other state



1 agencies and are attending a public school may be included in the average daily
2 membership of the receiving district when enrolled in the receiving district. When
3 counting a student who meets these criteria in its general enrollment average daily
4 membership, the receiving district may begin the enrollment on the first day of
5 attendance. The district of residence prior to the custodial transfer may not include
6 students who meet these criteria in its general enrollment average daily membership
7 after the student ceases to attend school in the resident district;

8 (2) "Adjusted average daily membership," calculated as follows:

9 (a) For districts with an average daily membership of two hundred or less,
10 multiply 1.2 times the average daily membership;

11 (b) For districts with an average daily membership of less than six hundred, but
12 greater than two hundred, raise the average daily membership to the 0.8293
13 power and multiply the result times 2.98;

14 (c) For districts with an average daily membership of six hundred or more,
15 multiply 1.0 times their average daily membership;

16 (2A) "Fall enrollment," the number of kindergarten through twelfth grade students enrolled
17 in all schools operated by the school district on the last Friday of September of the
18 current school year minus the number of students for whom the district receives
19 tuition, except nonresident students who are in the care and custody of a state agency
20 and are attending a public school and students for whom tuition is being paid
21 pursuant to § 13-28-42.1, plus the number of students for whom the district pays
22 tuition. When computing state aid to education for a school district under the
23 foundation program pursuant to § 13-13-73, the secretary of the Department of
24 Education shall use either the school district's fall enrollment or the average of the

1 school district's fall enrollment from the previous two years, whichever is higher;
2 "Resident student fall enrollment," the number of resident kindergarten through
3 twelfth grade students enrolled in all schools operated by the school district on the
4 last Friday of September of the current school year minus the number of students for
5 whom the district receives tuition, except plus nonresident students who are in the
6 care and custody of a state agency and are attending a public school and students for
7 whom tuition is being paid pursuant to § 13-28-42.1, plus the number of resident
8 students for whom the district pays tuition. When computing the small school
9 adjustment for any school district that is not sparse, the secretary of education shall
10 use either the school district's resident student fall enrollment or the average of the
11 school district's resident student fall enrollment from the previous two years,
12 whichever is higher;

13 (2B) Repealed by SL 2010, ch 84, § 1.

14 (2C) "Small school adjustment," for any school district defined as sparse pursuant to § 13-
15 13-78 is calculated as follows:

16 (a) For districts with a fall enrollment of two hundred or less, multiply 0.2 times
17 \$4,237.72;

18 (b) For districts with a fall enrollment of greater than two hundred, but less than
19 six hundred, multiply the fall enrollment times negative 0.0005; add 0.3 to that
20 result; and multiply the sum obtained times \$4,237.72;

21 "Small school adjustment," for any school district that is not defined as sparse
22 pursuant to § 13-13-78 is calculated as follows:

23 (a) For districts with a resident student fall enrollment of two hundred or less,
24 multiply 0.2 times \$4,237.72;

(b) For districts with a resident student fall enrollment of greater than two hundred, but less than six hundred, multiply the fall enrollment times negative 0.0005; add 0.3 to that result; and multiply the sum obtained times \$4,237.72; If a school district's fall enrollment is greater than 600, the district is not eligible for the small school adjustment even if the resident student fall enrollment is less than 600.

The determination of the small school adjustment for a school district may not include any students residing in a residential treatment facility when the education program is operated by the school district;

(3) "Index factor," is the annual percentage change in the consumer price index for urban wage earners and clerical workers as computed by the Bureau of Labor Statistics of the United States Department of Labor for the year before the year immediately preceding the year of adjustment or three percent, whichever is less;

(4) "Per student allocation," for school fiscal year ~~2012 is \$4,389.95~~ 2013 is \$4,494.19. Each school fiscal year thereafter, the per student allocation is the previous fiscal year's per student allocation increased by the index factor;

(5) "Local need," is the sum of:

(a) The per student allocation multiplied by the fall enrollment; and

(b) The small school adjustment, if applicable, multiplied by the fall enrollment for any school district defined as sparse pursuant to § 13-13-78; or

(c) The small school adjustment, if applicable, multiplied by the resident student fall enrollment in the district for any school district that is not sparse;

(6) "Local effort," the amount of ad valorem taxes generated in a school fiscal year by applying the levies established pursuant to § 10-12-42;

(7) "General fund balance percentage," is a school district's general fund equity divided by the school district's total general fund expenditures for the previous school fiscal year, the quotient expressed as a percent;

(8) "General fund reserves," the sum of a school district's nonspendable and restricted fund balances of the general fund;

(9) "Nonspendable fund balance," that amount of the fund balance that is not in spendable form;

(10) "Restricted fund balance," that amount of the fund balance that has constraints on how it may be used that are externally imposed or are imposed by law.

Section 2. That § 13-13-73 be amended to read as follows:

13-13-73. The secretary of the Department of Education shall compute state aid to education for each school district under the foundation program according to the following calculations:

(1) Determine each school district's fall enrollment;

(2) To arrive at the local need per district:

(a) Multiply the per student allocation by the fall enrollment;

(b) ~~Multiply~~ For any school district defined as sparse pursuant to § 13-13-78,

multiply the small school adjustment, if applicable, by the fall enrollment; and

or

For any school district that is not defined as sparse pursuant to § 13-13-78,

multiply the small school adjustment, if applicable, by the resident student fall

enrollment; and

(c) Add the product of subsection (a) to the product of subsection (b);

(3) State aid is (a) local need minus local effort, or (b) zero if the calculation in (a) is a negative number;

1 (4) If the state aid appropriation for the general support of education is in excess of the
2 entitlement provided for in this section and the entitlement provided for in § 13-13-
3 85, the excess shall be used to fund any shortfall of the appropriation as provided for
4 in § 13-37-36.3. The secretary shall report to the Governor by January seventh of
5 each year, the amount of state aid necessary to fully fund the general aid formula in
6 the current year. If a shortfall in the state aid appropriation for general education
7 exists that cannot be covered by § 13-37-45, the Governor shall inform the
8 Legislature and provide a proposal to eliminate the shortfall.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

983T0058

SENATE EDUCATION ENGROSSED NO. **SB 98** - 2/10/2012

Introduced by: Senators Johnston, Schlekeway, and Tieszen and Representatives Perry and Munsterman

1 FOR AN ACT ENTITLED, An Act to provide for a pilot program initiating two mathematics
2 and science academies and to make an appropriation therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Beginning on July 1, 2012, the Board of Regents shall conduct a pilot program
5 initiating a mathematics and science academy at the University Center in Sioux Falls, South
6 Dakota, and at the University Center in Rapid City, South Dakota. Through each of the
7 academies, the Board of Regents shall partner with school districts to provide course work to
8 twenty-four high school seniors. Twenty-four students shall be taught at each of the University
9 Centers where they will undertake a rigorous curriculum with an emphasis in the areas of
10 mathematics and science. Each of the students shall enroll in twelve credit hours of
11 postsecondary course work for each of two semesters and shall receive full credit toward high
12 school graduation as well as postsecondary credit for each of the postsecondary courses the
13 student successfully completes. The cost of tuition for the postsecondary course work provided
14 to a student through the academies shall be divided evenly among the state, the school district



1 in which the student is enrolled, and the individual student participating in one of the academies.

2 Section 2. There is hereby established the Mathematics and Science Academy Board. The
3 board shall consist of eight members including two parents, two teachers, two school
4 administrators, and two persons engaged in business. The executive director of the Board of
5 Regents shall select the members of the board, and they shall serve without compensation. The
6 board shall advise the Board of Regents in establishing the criteria upon which students
7 applying for the mathematics and science academies are evaluated and shall select the twenty-
8 four participants in each of the mathematics and science academies from among the student
9 applicants.

10 Section 3. The Board of Regents shall promulgate rules to establish the application process
11 and application time frame for students applying for admission into one of the mathematics and
12 science academies, and to establish the criteria on which the selection process for the academies
13 is based.

14 Section 4. Any student selected to attend one of the mathematics and science academies
15 shall remain enrolled in a public high school within the state and shall be counted in the fall
16 enrollment as defined in § 13-13-10.1 for that school district. A student attending one of the
17 academies may participate in interscholastic activities at the high school where the student is
18 enrolled and, upon successful completion of the necessary course work through one of the
19 academies, shall graduate from that high school.

20 Section 5. For any student who is attending one of the mathematics and science academies,
21 the school district in which the student is enrolled shall remit to the Board of Regents for that
22 student the sum of one thousand seven hundred thirty-five dollars, and the attending student
23 shall remit to the Board of Regents the sum of one thousand seven hundred thirty-five dollars.
24 The Board of Regents shall apply any funds received from a school district or from an attending

1 student pursuant to this section to the cost of the tuition for the postsecondary course work in
2 which the student is enrolled.

3 The school district and the attending student shall remit one half of the amount owed
4 pursuant to this section to the Board of Regents by December fifteenth and the remaining half
5 by June fifteenth.

6 Section 6. There is hereby appropriated from the general fund the sum of one dollar (\$1),
7 or so much thereof as may be necessary, to the Board of Regents to fund the pilot program
8 initiating the two mathematics and science academies pursuant to section 1 of this Act.

9 Section 7. There is hereby appropriated to the Board of Regents the sum of one dollar (\$1),
10 or so much thereof as may be necessary, from other funds received from school districts and
11 from students participating in one of the mathematics and science academies pursuant to this
12 Act.

13 Section 8. The executive director of the Board of Regents shall approve vouchers and the
14 state auditor shall draw warrants to pay expenditures authorized by this Act.

15 Section 9. Any amounts appropriated in this Act not lawfully expended or obligated by June
16 30, 2013, shall revert in accordance with the procedures prescribed in chapter 4-8.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

717T0535

SENATE STATE AFFAIRS ENGROSSED NO. **SB 124** - 2/1/2012

Introduced by: Senators Rhoden, Adelstein, Begalka, Buhl, Cutler, Frerichs, Fryslie, Gray, Hansen (Tom), Holien, Hundstad, Hunhoff (Jean), Johnston, Juhnke, Kraus, Krebs, Lederman, Maher, Nelson (Tom), Nygaard, Olson (Russell), Peters, Putnam, Rampelberg, Rave, Schlekeway, Sutton, Tidemann, Tieszen, and Vehle and Representatives Lust, Bolin, Boomgarden, Brunner, Conzet, Dennert, Dryden, Greenfield, Hansen (Jon), Hickey, Hoffman, Hubbel, Hunhoff (Bernie), Jensen, Kirkeby, Liss, Lucas, Miller, Nelson (Stace), Olson (Betty), Perry, Romkema, Rozum, Sly, Tornow, Turbiville, Van Gerpen, Vanneman, Venner, Verchio, White, and Willadsen

1 FOR AN ACT ENTITLED, An Act to revise per student allocation for state aid to education,
2 to revise the property tax levies for the general fund of school districts, and to revise certain
3 provisions concerning state aid and local effort.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That subdivision (4) of § 13-13-10.1 be amended to read as follows:

6 (4) "Per student allocation," for school fiscal year ~~2012 is \$4,389.95~~ 2013 is \$4,494.28.

7 Each school fiscal year thereafter, the per student allocation is the previous fiscal
8 year's per student allocation increased by the index factor;

9 Section 2. That § 10-12-42 be amended to read as follows:

10 10-12-42. For taxes payable in 2012 and each year thereafter, the levy for the general fund
11 of a school district shall be as follows:



1 (1) The maximum tax levy shall be eight dollars and forty-nine ~~and one tenth~~ cents per
2 thousand dollars of taxable valuation subject to the limitations on agricultural
3 property as provided in subdivision (2) of this section, and owner-occupied property
4 as provided in subdivision (3) of this section;

5 (2) The maximum tax levy on agricultural property for such school district shall be two
6 dollars and thirty-eight ~~and eight tenths~~ cents per thousand dollars of taxable
7 valuation. If the district's levies are less than the maximum levies as stated in this
8 section, the levies shall maintain the same proportion to each other as represented in
9 the mathematical relationship at the maximum levies; and

10 (3) The maximum tax levy for an owner-occupied single-family dwelling as defined in
11 § 10-13-40 for such school district shall be three dollars and ninety-six ~~and five~~
12 ~~tenths~~ cents per thousand dollars of taxable valuation. If the district's levies are less
13 than the maximum levies as stated in this section, the levies shall maintain the same
14 proportion to each other as represented in the mathematical relationship at the
15 maximum levies.

16 All levies in this section shall be imposed on valuations where the median level of
17 assessment represents eighty-five percent of market value as determined by the Department of
18 Revenue. These valuations shall be used for all school funding purposes. If the district has
19 imposed an excess levy pursuant to § 10-12-43, the levies shall maintain the same proportion
20 to each other as represented in the mathematical relationship at the maximum levies in this
21 section. The school district may elect to tax at less than the maximum amounts set forth in this
22 section.

23 Section 3. That § 13-13-72 be amended to read as follows:

24 13-13-72. It is the policy of the Legislature that the appropriation for the state aid to

1 education foundation program increase on an annual basis by the percentage increase in local
2 need on an aggregate statewide basis so that the relative proportion of local need paid by local
3 effort and state aid shall remain constant. ~~For school fiscal year 2013, it is the policy of the~~
4 ~~Legislature that the relative proportion of the total local need paid by state aid shall be amended~~
5 ~~by adjusting the proportion of state aid to fifty-three and eight-tenths percent of the total local~~
6 ~~need.~~ However, the increase in the per student allocation on an annual basis that exceeds three
7 percent shall be paid solely by the state and is not a factor in this policy.

8 Section 4. The provisions of section 3 are effective on July 1, 2013.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

479T0491

SENATE EDUCATION ENGROSSED NO. **SB 130** - 2/10/2012

This bill has been extensively amended (houghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Lederman, Adelstein, Gray, Schlekeway, and Sutton and
Representative Sly

1 FOR AN ACT ENTITLED, An Act to require the school board of each school district to adopt
2 a policy prohibiting bullying.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. If a school district does not have a bullying policy, the school district shall adopt
5 a bullying policy that meets the requirements of this Act. If the school district already has a
6 bullying policy in place, the school board shall review and, if necessary, revise the policy so that
7 it meets the requirements of this Act.

8 Section 2. Bullying is the causing of physical hurt or psychological distress on one or more
9 students that may involve threat, intimidation, stalking as defined in chapter 22-19A, physical
10 violence, theft, destruction of property, any threatening use of data or computer software, written
11 or verbal communication, or conduct directed against a student that:

12 (1) Places a student in reasonable fear of harm to his or her person or damage to his or
13 her property;

14 (2) Substantially interferes with a student's educational performance; or



1 (3) Substantially disrupts the orderly operation of a school.

2 For the purposes of this Act, bullying also includes retaliation against a student for asserting
3 or alleging an act of bullying.

4 Section 3. Each school district policy developed pursuant to this Act shall contain the
5 following provisions:

6 (1) A statement prohibiting bullying, and a definition of bullying that includes the
7 definition in section 2 of this Act; and

8 (2) A statement that all students are protected with no mention of any protected classes
9 of students.

10 Section 4. Any school district employee, school volunteer, student, or parent who promptly
11 reports in good faith an act of bullying to the appropriate school district official as designated
12 in the school district's policy, and who makes the report in compliance with the provisions of
13 the school district's policy is immune from any cause of action for damages arising from failure
14 to remedy the reported incident.

15 Section 5. Neither the physical location nor the time of day of any incident involving the use
16 of computers or other electronic devices is a defense to any disciplinary action initiated pursuant
17 to this Act.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

497T0696

SENATE EDUCATION ENGROSSED NO. **SB 139** - 2/10/2012

Introduced by: Senators Heineman, Adelstein, Johnston, Kraus, and Tidemann and
Representatives Sly, Blake, Brunner, Dennert, Elliott, Fargen, Feickert,
Gibson, Hawley, Hunhoff (Bernie), Iron Cloud III, Jones, Killer, Kirschman,
Kloucek, Lucas, Miller, Olson (Betty), Schrempp, Sigdestad, Street, and
Wismer

1 FOR AN ACT ENTITLED, An Act to establish the Teach for America grant program within
2 the Department of Education and to make an appropriation therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. There is hereby created a Teach for America grant program within the Department
5 of Education. The purpose of the grant program is to provide funding to Teach for America, a
6 nonprofit organization that provides alternative teacher recruitment and placement in public
7 schools in which a majority of the students are from low-income households. Through the grant
8 program, the state will partner with private contributors to fund an expansion of the Teach for
9 America program in the state that will allow the number of teachers placed to grow from fifty-
10 seven to one hundred by 2015. The expansion will allow Teach for America to positively impact
11 two-thirds of the Native American students on reservations in the state and more than half of
12 the Native American students statewide, and to strengthen its efforts to improve the academic
13 achievement of low-income, Native American students and to increase the educational



opportunities afforded them.

Funding through the grant program shall be provided to Teach for America over a period of four fiscal years beginning on July 1, 2012. The amount of the grants provided pursuant to this Act shall be based upon the amount of matching funds received by Teach for America from private contributors, but the total amount of all grants provided may not exceed the total amount of money appropriated for the grant fund.

Section 2. For each fiscal year of the grant program established in section 1 of this Act, the secretary of education shall submit a report to the Governor and to the Legislature that provides the following information:

- (1) The amount of grant program funds provided to Teach for America for that fiscal year;
- (2) The amount of matching funds provided to Teach for America for that fiscal year from private contributors;
- (3) The progress of Teach for America's expansion efforts in South Dakota, including the number of teachers placed and the number of students impacted; and
- (4) The results that Teach for America is achieving in the state in closing the achievement gap, providing enhanced educational opportunities, preparing students for higher education, and in meeting any other goals established by the organization.

Section 3. There is hereby appropriated from the general fund the sum of one dollar (\$1), or so much thereof as may be necessary, to the Department of Education to fund the Teach for America grant program established pursuant to this Act.

Section 4. The secretary of education shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

841T0684

SENATE STATE AFFAIRS

ENGROSSED NO. **SB 170** - 2/13/2012

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Frerichs, Buhl, Maher, and Vehle and Representatives Brunner, Fargen, Kloucek, Munsterman, Nelson (Stace), Schrempp, and Street

- 1 FOR AN ACT ENTITLED, An Act to provide for the enhancement of economic development
2 in South Dakota.
- 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
- 4 Section 1. The Legislature shall enact laws favorable to increasing employment and
5 expanding the tax base in South Dakota.



State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

282T0090

SENATE LOCAL GOVERNMENT

ENGROSSED NO. **SB 171** - 2/13/2012

This bill has been extensively amended (houghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Frerichs, Krebs, Nygaard, and Schlekeway and Representatives Hawley, Hickey, Sigdestad, and Solum

- 1 FOR AN ACT ENTITLED, An Act to provide for a runoff election under certain circumstances
2 when errors have been made to the ballot printing or by the person in charge of the election.
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
4 Section 1. If any error is made to the printing of the ballot or in the conduct of the person
5 in charge of the election for any nonfederal or nonstate election that disqualified a number of
6 ballots that is equal to or greater than the margin of the total votes cast for a candidate or ballot
7 question as determined by a court order, a runoff shall be conducted. The cost of the runoff
8 election shall be paid by the political subdivision that made the error.



State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

427T0711

SENATE STATE AFFAIRS ENGROSSED NO. **SB 187** - 2/10/2012

Introduced by: Senators Olson (Russell), Brown, and Gray and Representative Rausch

1 FOR AN ACT ENTITLED, An Act to reformulate the legislative agency review with an
2 independent performance audit and to repeal certain provisions regarding the legislative
3 review of state agencies.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. A performance audit is an objective and systematic assessment of a state agency
6 or any of its programs, function, or activities by an independent evaluator in order to help public
7 officials improve efficiency, effectiveness, and accountability. Performance audits include
8 economy and efficiency audits and program audits.

9 Section 2. That § 1-26E-1 be repealed.

10 ~~1-26E-1. For the purposes of §§ 1-26E-1 to 1-26E-8, inclusive, the term, state agency, means~~
11 ~~any department, division, office, commission, board, or any other unit of state government. The~~
12 ~~term does not include any local unit of government.~~

13 Section 3. That § 1-26E-2 be repealed.

14 ~~1-26E-2. The Executive Board of the Legislative Research Council shall establish and~~
15 ~~appoint the members of one or more interim committees each year to review one or more state~~



1 agencies. The executive board shall establish a schedule whereby each state agency is reviewed
2 by an interim committee once every ten years.

3 Section 4. That § 1-26E-3 be repealed.

4 ~~1-26E-3. Any committee appointed pursuant to §§ 1-26E-1 to 1-26E-8, inclusive, shall~~
5 ~~implement the procedures of §§ 1-26E-1 to 1-26E-8, inclusive, and may establish its own~~
6 ~~procedures for the review and evaluation required by §§ 1-26E-1 to 1-26E-8, inclusive.~~

7 Section 5. That § 1-26E-4 be repealed.

8 ~~1-26E-4. Each committee shall hold public hearings and receive testimony from the public~~
9 ~~and all interested parties. The state agency under review shall bear the burden of establishing~~
10 ~~that sufficient public need is present to justify its continued existence. The state agency under~~
11 ~~review shall provide the committee with the following information:~~

12 ~~— (1) — The identity of all offices under the direct or advisory control of the state agency;~~

13 ~~— (2) — All powers, duties, and functions currently performed by the state agency;~~

14 ~~— (3) — All constitutional, statutory, or other authority under which the powers, duties, and~~
15 ~~functions of the state agency are carried out;~~

16 ~~— (4) — Any powers, duties, or functions which the state agency is performing and which is~~
17 ~~duplicated by another state agency within the state including the manner in which,~~
18 ~~and the extent to which, the duplication of effort is occurring and any~~
19 ~~recommendations as to eliminating the duplications;~~

20 ~~— (5) — Any powers, duties, or functions which are inconsistent with current and projected~~
21 ~~public needs and which should be terminated or altered; and~~

22 ~~— (6) — Any other information which the committee feels is necessary and proper to carry out~~
23 ~~its review and evaluative duties.~~

24 Section 6. That § 1-26E-5 be repealed.

~~1-26E-5. To determine whether a sufficient public need for continuing the state agency is present, a committee shall take into consideration the following factors concerning the state agency:~~

~~(1) The extent to which any information required to be furnished to the reviewing committee pursuant to § 1-26E-4 has been omitted, misstated, or refused, and the extent to which conclusions reasonably drawn from the information are adverse to the legislative intent inherent in the powers, duties, and functions as established in the enabling legislation creating the state agency, or is inconsistent with present or projected public demands or needs;~~

~~(2) The extent to which statutory changes have been recommended which would benefit the public in general as opposed to benefiting the state agency;~~

~~(3) The extent to which the operation of the state agency has been efficient and responsive to the public needs;~~

~~(4) The extent to which the state agency has encouraged the persons regulated to report to it concerning the impact of its rules and decisions regarding improved services, economy of service, or availability of service to the public;~~

~~(5) The extent to which the public has been encouraged to participate in rule and decision making as opposed to participation solely by persons regulated;~~

~~(6) The extent to which complaints have been expeditiously processed to completion in the public interest; and~~

~~(7) Any other relevant criteria which the committee deems necessary and proper in reviewing and evaluating the sufficient public need for continuance of the state agency.~~

Section 7. That § 1-26E-6 be repealed.

1 ~~1-26E-6. The Department of Legislative Audit shall furnish, upon request of a committee,~~
2 ~~any relevant information including the reports of audits of the state agency under review.~~

3 Section 8. That § 1-26E-7 be repealed.

4 ~~1-26E-7. Each committee shall submit reports recommending either the continuation,~~
5 ~~revision, or termination of the state agency under review to the Executive Board of the~~
6 ~~Legislative Research Council for distribution to legislators and the Governor before the first~~
7 ~~legislative day of the ensuing regular legislative session.~~

8 Section 9. That § 1-26E-8 be repealed.

9 ~~1-26E-8. Each committee shall submit its recommendations concerning the state agency and~~
10 ~~laws that it believes should be repealed or revised to the Legislature in one or more bills.~~

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

723T0723

SENATE STATE AFFAIRS

ENGROSSED NO. **SB 188** - 2/13/2012

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senator Olson (Russell) and Representative Lust

1 FOR AN ACT ENTITLED, An Act to authorize the establishment, operation, and control of
2 research parks on lands controlled by the Board of Regents.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The Legislature finds that to increase research and technology-related economic
5 activity in South Dakota and to expand the opportunities for South Dakota faculty members,
6 researchers, and students to participate in the application of research results and technological
7 innovations in commerce, government, or public service, it is critically important to encourage
8 research opportunities and programs within the regental system. To these ends, the Legislature
9 intends that this Act be construed as authorizing and encouraging coordinated public and private
10 investments in facilities situated on lands controlled by the Board of Regents and designed to
11 support commercial application of research results and technological innovations.

12 Section 2. Terms as used in this Act mean:

13 (1) "Private party lessee or contractor," a business, a nonprofit corporation, or a research
14 park corporation authorized by lease, contract, or agreement with the Board of



1 Regents to construct, finance, operate, maintain, reconstruct, remodel, and manage,
2 at its expense and risk, any research park established pursuant to this Act;

3 (2) "Research," an investigation aimed at the discovery of new knowledge to create a
4 new product or service, a new process or technique, or to bring about a significant
5 improvement in an existing product or process;

6 (3) "Research park," a planned real estate development designed to promote the practical
7 application of university research, to aid the transfer of knowledge, technology, and
8 business skills through collaboration between universities and industry, government,
9 or other organizations that apply research or technology, and to assist in the growth
10 of research-based and technology-led economic development for the community,
11 region, and state, by bringing together universities, institutes, laboratories,
12 businesses, and governmental and other organizations devoted to testing, research,
13 and development activities, to the commercial, governmental, or public policy
14 application of research results or technological innovation, or to the management of
15 research or technology-based enterprises, agencies, or organizations. The term
16 includes such enterprises as may be necessary to support the activities of the primary
17 tenants, their staff, or visitors; and

18 (4) "Research park corporation," any nonprofit corporation formed pursuant to this Act
19 and Title 47 for the purpose of constructing, financing, developing, maintaining, and
20 operating a research park.

21 Section 3. The Board of Regents may utilize state lands under its control for the
22 construction, development, maintenance, and operation of research parks.

23 Section 4. A research park authorized by this Act may accommodate all kinds of facilities,
24 laboratories, businesses, or organizations usually found at research parks affiliated with

universities.

Section 5. If any lands used for purposes of a research park are determined to be subject to the school and public lands trust established pursuant to S.D. Const., Art. VIII, § 7, then:

(1) A civil, state, religious, or public organization seeking to develop and to operate a research park may make application to the commissioner of school and public lands for conveyance pursuant to § 5-9-34. If the Board of Regents agrees to transfer possession of the land, the commissioner may convey defeasible title as provided in § 5-9-35 for the purpose of operating a research park. Upon any reversion, the land shall once again be placed under the control of the Board of Regents as part of the campus from which it was originally severed; or

(2) The Board of Regents may select other lands under its control of equal value, as determined by the commissioner of school and public lands, and exchange such other lands for those comprising the research park in order to maintain the principal of the school and public lands trust.

Section 6. Any mineral rights to state lands on which a research park has been established shall be administered to support research park operations.

Section 7. Notwithstanding any other provision of law, including chapter 5-7, the Board of Regents when approving a research park lease or sublease may lease such portions of the mineral interests reserved to the State of South Dakota in the lands occupied by the research park as may be necessary to permit the research park and its tenants to use geothermal resources for heating or cooling on-site facilities. The mineral interests may be leased on behalf of the State of South Dakota acting by and through the Board of Regents in a manner and upon terms acceptable to the board.

Section 8. The commissioner of school and public lands may not authorize the lease of

1 mineral rights if exploitation of such rights would disturb the use of the research park, nor
2 authorize construction of dams, canals, water ditches, or laterals if such structures would impair
3 the use of the research park.

4 Section 9. The Board of Regents may enter into any lease, contract, or agreement with a
5 business, a nonprofit corporation, or a research park corporation to permit that entity, at its
6 expense and risk, to construct, finance, maintain, and operate any research park established
7 pursuant to this Act.

8 Section 10. No lease, contract, or agreement may be construed to authorize the private party
9 lessee or contractor, or any subtenant, creditor, trustee, receiver, lien holder, heir, assignee, or
10 other party claiming an interest or right through such private party lessee or contractor, to use
11 or to permit the use of the research park for purposes other than those specified in this Act.

12 Section 11. The lease, contract, or agreement may permit the private party lessee or
13 contractor, or other parties claiming an interest or right through them, to pledge for
14 commercially reasonable periods of time such rights of use or occupancy as may be possessed
15 in order to obtain financing. However, no such pledge impairs the reversionary interests of the
16 Board of Regents.

17 Section 12. No lease granted pursuant to this Act may have a duration exceeding ninety-nine
18 years.

19 Section 13. Each lease, contract, or agreement shall contain provisions that require
20 commercially reasonable performance by the private lessee or contractor. Each lease, contract,
21 or agreement shall contain provisions that reserve to the Board of Regents the power to enforce
22 the requirements of this Act and of any leases, contracts, or agreements issued pursuant to it,
23 which reserved powers shall include the power of termination.

24 Section 14. Notwithstanding any other provision of law to the contrary, upon termination

1 of any such lease, contract, or agreement, the Board of Regents may take title to all
2 improvements comprising the research park.

3 Section 15. Nothing in this Act authorizes the Board of Regents or any entity operating a
4 research park under a lease, contract, or agreement with the Board of Regents to contract a debt
5 on behalf of, or in any way to obligate, the State of South Dakota, or to pledge, assign, or
6 encumber in any way, or to permit the pledging, assigning, or encumbering in any way, of
7 appropriations made by the Legislature of the State of South Dakota. No debt or liability of a
8 research park is an indebtedness, legal or moral, of the State of South Dakota, and no creditor
9 may have recourse against the State of South Dakota or any fund created or maintained directly
10 or indirectly from state taxation.

11 Section 16. The Board of Regents may form one or more research park corporations,
12 separate and apart from the state, to construct, finance, develop, maintain, and operate research
13 parks or economic development initiatives that support the teaching, research, or service mission
14 of the university system by expanding opportunities for South Dakota faculty members,
15 researchers, and students to participate in the application of research results and technological
16 innovations in commerce, government, or public service.

17 Section 17. Each research park corporation formed pursuant to section 16 of this Act shall
18 be governed by, and all of the corporation's functions, powers, and duties shall be exercised by,
19 a board appointed by the Board of Regents. Each research park corporation shall have the Board
20 of Regents as its sole member. Members of the board may include university presidents, regents,
21 university officers or employees, and other persons selected by the Board of Regents.

22 Section 18. No portion of the net earnings realized by any research park corporation formed
23 pursuant to section 16 of this Act may inure to any director or officer of the corporation or to
24 any private entity or individual.

1 Section 19. No research park corporation formed pursuant to section 16 of this Act may be
2 deemed an agency, public body, or other political subdivision of South Dakota, and no research
3 park corporation formed pursuant to section 16 of this Act may borrow money secured by the
4 State of South Dakota.

5 Section 20. No research park corporation formed pursuant to section 16 of this Act is subject
6 to statutes or rules regulating the conduct of public bodies, including those relating to personnel,
7 procurement of goods and services, board meetings, disposition or acquisition of property,
8 capital outlays, per diem and mileage, and inspection of records. Nothing in this section relieves
9 a research park corporation of the obligation to conform to criminal laws or other statutes of
10 general application.

11 Section 21. A research park corporation formed pursuant to section 16 of this Act shall have
12 all rights, powers, and privileges granted to nonprofit corporations pursuant to Title 47 which
13 are necessary and convenient to carry out and to effectuate the provisions of this Act.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0498

SENATE APPROPRIATIONS ENGROSSED NO. **SB 193** - 2/10/2012

Introduced by: The Committee on Appropriations at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year
2 2012 and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The funds in section 5 of this Act are provided for the purpose of making a one-
5 time payment to active, permanent employees hired before March 24, 2011, not including the
6 Governor, lieutenant governor, attorney general, secretary of state, state auditor, state treasurer,
7 commissioner of school and public lands, or public utilities commissioners, for the purpose of
8 encouraging public service and for continued service in the state government workforce. This
9 payment will be made on March 30, 2012, and will be calculated as a percentage of the
10 employees' annualized salary effective as of March 23, 2012. This percentage shall be five
11 percent for an employee hired before March 24, 2009; three and four-tenths percent for an
12 employee hired March 24, 2009 to March 23, 2010, inclusive; and one and seven-tenths percent
13 for an employee hired March 24, 2010 to March 23, 2011, inclusive.

14 Section 2. For the purposes of this Act, annualized salary means an employee's hourly wage



times the number of hours in the fiscal year in which the payment is made times the percent of time the employee is regularly scheduled to work, or the employee's annual salary times the percent of time the employee is regularly scheduled to work. If a full-time employee's annual salary is less than forty-six thousand dollars, the calculation shall be based on forty-six thousand dollars times the percent of time the employee is regularly scheduled to work. If a full-time employee's annual salary is more than one hundred fifty thousand dollars, the calculation shall be based on one hundred fifty thousand dollars times the percent of time the employee is regularly scheduled to work.

Section 3. Any payment pursuant to this Act is not to be considered as part of the employee's base compensation or regular rate of pay, nor is the payment compensation for any past performance or future action.

Section 4. The amount necessary to fund the one-time payment to employees may be transferred to the appropriate budget units by the Bureau of Finance and Management. If there is not enough funding to provide the required payments to the workforce in place at the time of calculation, the bureau may reduce and prorate the amount of the one-time payments.

Section 5. That section 17 of chapter 23 of the 2011 Session Laws be amended to read as follows:

BUREAU OF FINANCE AND MANAGEMENT

(17) delete "State Government Energy Program" and insert "Employee Compensation"

Personal Services, General Funds, delete "\$0" and insert "\$12,296,256"

Personal Services, Federal Funds, delete "\$0" and insert "\$5,692,174"

Personal Services, Other Funds, delete "\$0" and insert "\$13,210,064"

Operating Expenses, General Funds, delete "\$0" and insert "\$193,023"

Adjust all totals accordingly.

1 Section 6. The commissioner of the Bureau of Finance and Management shall approve
2 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

3 Section 7. Whereas, this Act is necessary for the support of the state government and its
4 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
5 full force and effect from and after its passage and approval.